

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:21-cv-00079-RJC-DCK

LAUREN SMITH,

Plaintiff,

v.

THE UNIVERSITY OF NORTH
CAROLINA CHARLOTTE, ROBERT
McEACHNIE, in his individual and
official Capacities, and the
UNIVERSITY OF NORTH
CAROLINA SYSTEM, through its
Governing body, the BOARD OF
GOVERNORS OF THE UNIVERSITY
OF NORTH CAROLINA,

Defendants.

**THE UNIVERSITY OF NORTH
CAROLINA AT CHARLOTTE
AND THE UNIVERSITY OF
NORTH CAROLINA SYSTEM'S
MOTION TO DISMISS**

**Fed. R. Civ. P. 12(b)(1), 12(b)(2),
& 12(b)(6)**

Defendants the University of North Carolina at Charlotte and The University of North Carolina System (“State Defendants”), through undersigned counsel, move to dismiss Plaintiff’s complaint under rules 12(b)(1), (2), and (6) of the Federal Rules of Civil Procedure.

In support of this motion, State Defendants rely on the complaint and the brief in support of this motion.

This 1st day of March, 2021.

JOSHUA H. STEIN
Attorney General

/s/ Kenzie M. Rakes
Kenzie M. Rakes
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*Attorney for Defendants the University of
North Carolina at Charlotte and the
University of North Carolina System*

CERTIFICATE OF SERVICE

I certify that the foregoing **THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE AND THE UNIVERSITY OF NORTH CAROLINA SYSTEM'S MOTION TO DISMISS** was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification to all registered CM/ECF users.

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Counsel for Robert McEachnie

This 1st day of March, 2021.

/s/ Kenzie M. Rakes
Kenzie M. Rakes
Assistant Attorney General